

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

STEVE Y. GARRISON,

No. C 12-4779 RS (PR)

Petitioner,

**ORDER DENYING ISSUANCE OF A
CERTIFICATE OF APPEALABILITY**

v.

JERRY BROWN, et al.,

Respondents.

This closed federal habeas action is on appeal. The district court action was dismissed because petitioner failed to keep the Court apprised of his current address pursuant to Civil Local Rule 3-11(b) and because he failed to prosecute this matter pursuant to Fed. R. Civ. P. 41(b). Although not stated in the order disposing of the district court action, the dismissal was without prejudice. Petitioner may, of course, move to reopen the action.

The Court of Appeals has remanded the action to this Court for a determination whether a certificate of appealability should issue. Such certificate shall not issue. Petitioner has not shown “that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). The Clerk shall send a copy of this order to the Court of Appeals forthwith.

IT IS SO ORDERED.

DATED: January 28, 2013


RICHARD SEEBORG
United States District Judge